

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of November 14, 2007.

Claims 1-7, 9 and 11-22 remain in this application. Claims 1, 4, 9 and 11-22 have been amended. Claims 8, 10 and 23-25 have been canceled. Claims 2, 3 and 5-7 remain as originally filed.

Reconsideration of the Application is requested.

The Office Action

Claims 1-25 were rejected.

Claims 1-20 and 22-25 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 5-8 and 21-23 were rejected under 35 U.S.C. 102(b) as being anticipated by Guo et al. "A Study on Color Space Selection for Determining Image Segmentation and Region Number" ("Guo").

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim 1, in view of Hamlin et al. U.S. Patent No. 5,473,738 ("Hamlin") and further in view of Sandow U.S. Patent No. 5,909,202 ("Sandow").

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Guo combined with Hamlin and in view of Sandow as applied to claim 2, and further in view of You et al. "A Hierarchical Image Matching Scheme Based on the Dynamic Detection of Interesting Points" ("You").

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim 8, in view of Shi et al. "Normalized Cuts and Image Segmentation" ("Shi").

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim 1, in view of Lovelady et al. U.S. Patent No. 5,335,292 ("Lovelady").

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim 1 in view of Sandow.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo combined with Sandow as applied to claim 11, in view of Gatica-Perez et al. "Video Object Hyper-Links for Streaming Applications" ("Gatica-Perez").

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo combined with Sandow, in view of Gatica-Perez as applied to claim 12, and further in view of You.

Claims 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim ,1 in view of Hamlin.

Claims 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Guo combined with Hamlin as applied to claim 14, in view of Lovelady.

Claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Guo as applied to claim 1, in view of Hamlin and further in view of Sandow.

Claims 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sandow, and further in view of You.

Applicants' Response

Submitted herewith is an Amendment to further clarify the claimed subject matter of the present patent application. Specifically, independent claims 1 and 22, and all claims depending therefrom (i.e. 4, 9, and 11-21), have been amended to include a method/system for automatically determining a foreground color for a digital image, wherein color clusters are automatically grouped as interference clusters or benign clusters in a selected region of a document, and a foreground color is selected which is related to the interference clusters according to predetermined criteria. One example of predetermined criteria are metrics related to contrast where the foreground color is selected to maximize contrast for viewing.

Moreover, the claims have been amended to specifically claim one of automatically displaying, storing and communicating data representing the selected color.

For the reasons discussed below, it is submitted the currently pending claims produce a useful, tangible, concrete result, and are not anticipated/obvious in view of the cited prior art.

With regard to the rejection of claims 1-20 and 22-25 as being rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, the currently pending claims now recite one of automatically displaying, storing and communicating data representing a selected foreground color. Accordingly, it is submitted the method/system claimed does have utility where the claimed subject matter is useful, tangible, and products a concrete result. Respectively, the Examiner is requested to withdraw this rejection.

With regard to the rejection of claims 1, 5-8 and 21-23 as being anticipated by Guo et al. "A study on Color Space Selection for Determining Image Segmentation and Region Number" (Guo), independent claims 1 and 22 have been amended to include features related to segmenting the digital image, grouping the color clusters into interference clusters and benign clusters, selecting a foreground color related to an interference cluster and one of displaying, storing and communicating data representing the selected foreground color.

In contrast, as stated in the last Office Action at page 8, third paragraph, Guo "does not teach ... grouping the color clusters into interference clusters comprising a pixel in a selected region of the image and benign clusters comprising no pixel in the selected region." Therefore, Guo does not teach each and every limitation of the claimed subject matter and the currently pending claims 1-7, 9 and 11-22 are not anticipated by Guo. Accordingly, the Examiner is respectively requested to withdraw this rejection.

With regard to the rejection of claim 10, as being unpatentable over Guo as applied to claim 1, in view of Lovelady et al. U.S. Patent No. 5,335, 292 (Lovelady), this grounds for rejecting originally filed claim 10 is traversed.

Currently, claim 10 is canceled, however the subject matter of claim 10 has been incorporated into independent claims 1 and 22.

As discussed in Lovelady at col. 13, lines 19-30, Lovelady "combines a three dimensional color detection technique with an adaptive correlator/threshold optimized for character images. The correlator separates the foreground (characters plus form) from the background (paper). The correlator typically forces the background white, and anything with 25% or more contrast with respect to the background is forced black.

Combining the two, correlation is performed, then before the color information is discarded, pixel values are tested to determine if they qualify for blinding. If the pixel value does qualify, the correlated pixel is forced white." Specifically, it should be noted, as further explained in col. 13, lines 30-65, Lovelady discloses a "blinding" system. In contrast, the Applicant's claimed subject matter relates to the selection of a foreground color based on interference color clusters.

Moreover, "keeper colors" as discussed at col. 13, lines 60-65 addresses retaining colors in a document, not selecting a specific foreground color as the Applicant has claimed.

Accordingly, it is submitted all currently pending claims, 1-7, 9, and 11-22 are not obvious in view of Guo and Lovelady.

With regard to the remaining rejections of claims 2-4, 8, 9 and 11-20 and 24-25, for the reasons discussed above with regard to independent claims 1 and 22, it is submitted these claims are not obvious in view of the cited prior art and the Examiner is respectively requested to withdraw the rejections of these claims.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 1-7, 9 and 11-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

- Remaining Claims, as delineated below:

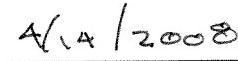
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA
TOTAL CLAIMS	20	- 25 = 0
INDEPENDENT CLAIMS	2	- 3 = 0

- This is a request for a Two (2) Month Extension of Time. The Extension of Time is being paid with a credit card via EFS Web.
- This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.
- The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Jeffrey N. Zahn, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP



Date

Jeffrey N.Zahn, Reg.No.54,864
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582